

RCE 1724/11
PATENT
ATTORNEY DOCKET NO.: 056365-5023
. 17
T.W.
5-7-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MOK ET AL)
Application No.: 09/361,626)
Filed: July 27, 1999)
For: PROCESS FOR REMOVING)
ALUMINUM SPECIES FROM ALKALI)
METAL HALIDE BRINE SOLUTIONS)

Group Art Unit: 1724
Examiner: Cintins

AMENDMENT TRANSMITTAL FORM

RECEIVED
MAY 03 2002
TC 1700

Commissioner for Patents
Washington, D.C. 20231

Sir:

- Transmitted herewith is a Request for Continued Examination (RCE) under Rule 114 in response to Advisory Action dated November 19, 2001. A Notice of Appeal was filed on October 5, 2001 with an Appeal Brief due on December 5, 2001.
- Additional papers enclosed:

Submission with Declaration of Dr. Twardowski with Exhibit A and Twardowski Resume.

Change of Correspondence Address

- Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
X five months	\$1,960.00	\$ 980.00

Extension of time fee due with this request: \$ 1,960.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	0	minus	20	0	x \$18 each=	+ \$0
Independent Claims (37 C.F.R. §1.16(b))	0	minus	3	0	x \$84 each=	+ \$0
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0


6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 1, 2002

By: 
Paul N. Kokulis
Reg. No. 16,773

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In re Patent Application of

OK ET AL

Serial No. 09/361,626

Group Art Unit: 1724

Filed: July 27, 1999

Examiner: Cintins

Title: PROCESS FOR REMOVING ALUMINUM
SPECIES FROM ALKALI METAL HALIDE
BRINE SOLUTIONS

May 1, 2002

SUBMISSION

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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Sir:

The applicants request reconsideration of this application in view of the attached declaration by Dr. Twardowski. The declaration is submitted in response to the Examiner's comments in the Advisory Action dated November 19, 2001.

In said Advisory Action, the Examiner took the position that data earlier presented was not sufficient to obviate the Section 103(a) rejection of record and place the application in condition for allowance because the data "(1) has not been submitted in proper 37 CFR 1.132 affidavit or declaration form; and (2) is not commensurate in scope with the claims, as pointed out in the Final Rejection."

The attached declaration deals with the Examiner's points (1) and (2) and is thought to provide a proper basis for withdrawing the art rejection and allowing the claims. In particular, the declaration complies with the requirements of 37 CFR 1.132 and the evidence therein is thought to establish invention commensurate with the scope claimed.

Detailed comment on the declaration is not believed to be necessary as it speaks for itself in addressing the Section 103(a) rejection of record based on Nagy U.S. 4,073,706. In brief, the declaration presents the data of record, together with additional data, showing that the applicants obtain unexpectedly more effective reduction of soluble aluminum species in alkali metal brine, by

observing the combination of conditions, i.e. the specified Mg/Al molar ratio and Mg and alkali metal hydroxide concentrations, recited in the present claims. See especially ¶s 11, 12, 13 and 14 and Exhibit A.

The declaration concludes with Dr. Twardowski's summary confirming the unobviousness of the results obtained by observing the specific combination of conditions called for by the applicants' claims. See ¶ 16 of the declaration.

It is respectfully submitted that the declaration establishes the unobviousness of the applicants' invention over the Nagy disclosure. Accordingly, favorable reconsideration of the Section 103(a) rejection based on Nagy, with allowance, is requested.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP



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